

# EXHIBIT A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AUTHORS GUILD, DAVID BALDACCI,  
MARY BLY, MICHAEL CONNELLY, SYLVIA  
DAY, JONATHAN FRANZEN, JOHN  
GRISHAM, ELIN HILDERBRAND,  
CHRISTINA BAKER KLINE, MAYA  
SHANBHAG LANG, VICTOR LAVALLE,  
GEORGE R.R. MARTIN, JODI PICOULT,  
DOUGLAS PRESTON, ROXANA ROBINSON,  
GEORGE SAUNDERS, SCOTT TUROW, and  
RACHEL VAIL, individually and on behalf of  
others similarly situated,

Plaintiffs,

v.

OPEN AI INC., OPENAI OPCO LLC, OPENAI  
GP LLC, OPENAI, LLC, OPENAI GLOBAL  
LLC, OAI CORPORATION LLC, OPENAI  
HOLDINGS LLC, OPENAI STARTUP FUND I  
LP, OPENAI STARTUP FUND GP I LLC,  
OPENAI STARTUP FUND MANAGEMENT  
LLC, and MICROSOFT CORPORATION,

Defendants.

Consolidated Cases:

Case No. 1:23-cv-08292-SHS

Case No. 1:23-cv-10211-SHS

JONATHAN ALTER, KAI BIRD, TAYLOR  
BRANCH, RICH COHEN, EUGENE LINDEN,  
DANIEL OKRENT, JULIAN SANCTON,  
HAMPTON SIDES, STACY SCHIFF, JAMES  
SHAPIRO, JIA TOLENTINO, and SIMON  
WINCHESTER, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

OPENAI, INC., OPENAI OPCO LLC, OPENAI  
GP, LLC, OPENAI GLOBAL LLC, OAI  
CORPORATION, LLC, OPENAI HOLDINGS,  
LLC, OPENAI STARTUP FUND I LP, OPENAI  
STARTUP FUND GP I LLC,  
OPENAI STARTUP FUND MANAGEMENT  
LLC, and MICROSOFT CORPORATION,

Defendants.

**DECLARATION OF LUCKY VIDMAR IN SUPPORT OF MICROSOFT'S RESPONSE  
TO AUTHOR PLAINTIFFS' MOTION FOR LEAVE TO FILE UNDER SEAL**

I, Lucky Vidmar, hereby declare as follows:

1. I have personal knowledge of the facts stated in this declaration and, if called upon as a witness, I would and could competently testify thereto. I submit this declaration in support of Microsoft's Response to the Author Plaintiffs' letter motion for leave to file under seal (ECF No. 229) filed in connection with the Author Plaintiffs' letter motion to compel OpenAI to review and produce documents from certain repositories ("Letter Motion") (ECF No. 230).

2. I am Associate General Counsel and I lead Microsoft's IP and AI litigation team. I have been at Microsoft since June 2020. In this role, I am responsible for the overall conduct of discovery and factual investigation for this case. I am also part of a team at Microsoft that provides legal guidance to the business on the development of our generative AI tools in connection with managing litigation and regulatory risk.

3. Exhibits 3, 4, and 5 to the Letter Motion contain nonpublic, confidential information regarding Microsoft's relationship with OpenAI as to ongoing workstreams. This information is highly sensitive to Microsoft and Microsoft only shares the information revealed in these documents on a need-to-know basis whether internally or externally with proper non-disclosure protections in place. Disclosure of such information to the public would be harmful to Microsoft because it reflects highly sensitive and confidential business strategy and decision-making that, if disclosed, could harm Microsoft's competitive advantage and its business relationships.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on October 24, 2024 at Scottsdale, Arizona.



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Lucky Vidmar